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infants, with the circumstances under which the accident happened, decides that the defendant was guilty of no legal fault.

VENDOR AND PURCHASER—PURCHASER FROM HEIR—UNRECORDED DEED.—On December 15, 1904, Mrs. Reithman conveyed certain lands to Mrs. Wagner, for valuable consideration, the deed not being recorded until August 17, 1905. By the death of Mrs. R., January 17, 1905, an undivided one-half interest in her property descended to her husband. At this time the plaintiff, Mrs. Alexander, was a judgment creditor of Mrs. Reithman, and in March she caused an execution to issue and a levy to be made upon the lands described in Mrs. Wagner's deed as the interest of Reithman in the lands of his wife. A sale was had, and a sheriff's deed given to plaintiff, she having no knowledge of the unrecorded deed to Mrs. Wagner. In an action for partition, *Held*, that plaintiff took title free from any claim of Mrs. Wagner who claimed under the unrecorded deed from Mrs. R. *Hallett v. Alexander* (1911), — Colo. —, 114 Pac. 490.

This is a novel application of the well recognized rule and seems to have arisen in but a few jurisdictions. In *Memphis Land & Timber Co., v. Ford*, 58 Fed. 452, it was held that the subsequent purchaser from an heir was protected as the purpose of the recording laws is to cover such cases, and the heir stands in the shoes of his ancestor and has no further rights. A similar conclusion was reached in *Kennedy v. Northup*, 15 Ill. 148 where in construing the words "subsequent purchasers" as used in the recording act, the court held that they included subsequent purchasers from the heir, as well as from the original grantor. The same doctrine was upheld in *McClure v. Tallman et al.*, 30 Iowa 515; *Earle v. Fiske*, 103 Mass. 491; *Youngblood v. Vastine et al.*, 46 Mo. 239; *McCulloch's Lessee v. Eudaly*, 11 Tenn. 346. See WADE, NOTICE, § 217. A contrary doctrine was announced in *Hill v. Meeker*, 24 Conn. 211, by a divided court. In Georgia under a peculiar statute it was so held in *Webb v. Wilcher et al.*, 33 Ga. 565, and also in Kentucky, *Harlan v. Seaton*, 18 B. Mon. (Ky.) 312, until changed by statute. *Dosier v. Barnett*, 13 Bush. (Ky.) 457.